



Practitioner's Docket No. 2003-IP-012703U1

PATENT

JFM

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: William Shumway

Application No: 10/799,810-

Group No.: 1712

Filed: 3/12/2004

Examiner:

For: SURFACTANT-FREE EMULSIONS AND METHODS OF USE THEREOF

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))**

**NOTE:** 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p)."

**NOTE:** "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
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Express Mail certification is optional.)

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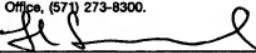
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37 C.F.R. § 1.8(a)

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Signature

Lindsay Townsend

(type or print name of person certifying)

06/18/2007 ROLANDO 00000017 000300 18799813

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

**NOTE:** "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

**WARNING:** No extension of time can be had under 37 C.F.R. 1.136 (a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

### **TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:
  - (1) a final action under § 1.113 or
  - (2) a notice of allowance under § 1.311,whichever occurs first.

### **STATEMENT OR FEE**

2. Accompanying this transmittal is

(check either A or B below)

- A.  a statement as specified in 37 C.F.R. § 1.97(e).

**OR**

- B.  the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [8-4]—page 2 of 3)

### METHOD OF PAYMENT OF FEE

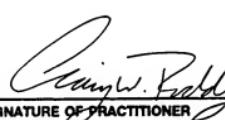
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- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

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SIGNATURE OF PRACTITIONER

Reg. No. 36,256

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(type or print name of practitioner)

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Application Number	10/799,810
Filing Date	03/12/2004
First Named Inventor	William W. Shumuay, et al.
Art Unit	1712
Examiner Name	
Attorney Docket Number	2003-IP-012703U1

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
/JJF/	1	Mike McFadyen, et al., "New Synthetic Fluid System Provides Stable cold-Temperature Rheologies," WorldOil Magazine-online magazine article, June 2002, Vol 223	
/JJF/	2	PETROFREE Produce Brochure, Baroid Drilling Fluids 1992	
/JJF/	3	Halliburton Press Release of Aug. 21, 2000 entitled "Halliburton Energy Services Participates in Drilling World record Inclination Well," <a href="http://www.halliburton.com/news/archiv">http://www.halliburton.com/news/archiv</a>	
/JJF/	4	Material Safety Data Sheet on EXP 3833, Alco Chemical, 4/12/00	
/JJF/	5	ALCOGUM SL-117 Product Data Sheet, Alco Chemical, 01/01/03	
/JJF/	6	ALCOGUM SL-920 Product Data Sheet, Alco Chemical 07/15/2004	
/JJF/	7	ALCOGUM L-344 Product Data Sheet, Alco Chemical 03/25/2004	
/JJF/	8	ALCOSPERSE 747 Product data Sheet, Alco Chemical, 03/15/2002	
/JJF/	9	ALCOQUEST 747 Product Data Sheet, Alco Chemical, 09/18/2002	
/JJF/	10	NOVAMUL Product Data Sheet, M-1 Drilling Fluids LLC, 1997	

Examiner Signature	/John J. Figueroa/	Date Considered	01/22/2009
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Collection of information is authorized by 35 U.S.C. 122 and 37 CFR 14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and sending the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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